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OFFICE OF PETITIONS

In re Application of :
Sandlin et al. :
Application No. 10/656,553 ✓ :
Filed: 6 September, 2003 :
For: LONG-LASTING SCENTED PAINT AND :
METHOD FOR MAKING SAME :

ON PETITION

This is a decision on the petition filed on 23 January, 2004, which is treated as a petition requesting that the above-identified application be accorded a filing date of 6 September, 2003, with eight (8) sheets of drawings as a part of the original disclosure.

The petition is granted.

The application was filed on 6 September, 2003.

Accordingly, on 25 November, 2003, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 6 September, 2003, but that Figure 3 described in the specification appeared to have been omitted.

In response, on 23 January, 2004, the present petition and a copy of one (1) sheet of drawings containing Figure 3 were filed. Petitioners argue that one sheet of drawings containing Figure 3 was filed with the other application papers on 6 September, 2003, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 09/06/03, the above-identified application number, and identifies the application by inventors' names and invention title, and acknowledges receipt of, *inter alia*, "Drawings (8 sheets)". Petitioners request that the application, including one sheet of drawings containing Figure 3, be accorded a filing date of 6 September, 2003.

A review of the record reveals that seven (7) sheets of drawings

containing Figures 1,2 and 4-8 have been located among the application papers received on 6 September, 2003. However, the evidence is convincing that the application papers deposited on 6 September, 2003, included eight (8) sheets of drawings, one of which was subsequently misplaced in the Office. Therefore, the application, including the one (1) sheet of drawings containing Figure 3 described in the specification, is entitled to a filing date of 6 September, 2003.

The "Notice" mailed on 25 November, 2003, is withdrawn.

In view of the above, the petition is granted. The petition fee of \$130.00 is unnecessary and petitioners may request a refund thereof by writing to the Office of Finance, ATTN: Refunds Section. A copy of this decision should accompany petitioners' request.

The application will be processed with the copy of one (1) sheet of drawings containing Figure 3 supplied on 24 January, 2004, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 6 September, 2003, using the application papers filed on that date, and the copy of one (1) sheet of drawings containing Figure 3 supplied with the present petition, and for an indication in Office records that eight (8) sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions